

UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

HUGO SANTOS,

Petitioner,

v.

PAUL THOMPSON, et al.,

Respondents.

No. 2:21-cv-1768 TLN DB P

FINDINGS AND RECOMMENDATIONS

Petitioner has filed an application for a writ of habeas corpus pursuant to 28 U.S.C. § 2241. Petitioner has paid the filing fee. Petitioner seeks relief under the First Step Act (“FSA”) of 2018.<sup>1</sup> For the reasons set forth below, the undersigned will recommend that this action be dismissed.

Petitioner commenced this action by filing the petition. (ECF No. 1.) Therein, he argued that the Federal Bureau of Prisons violated his rights by failing to establish a mechanism for awarding credits under the First Step Act. (*Id.*) By order dated February 17, 2022, the government was directed to file a response to the petition. (ECF No. 6.) The government filed a response and motion to dismiss. (ECF No. 8.) Petitioner did not file an opposition, statement of  
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<sup>1</sup> The First Step Act made changes to the duration of federal prison sentences, such as incentivizing participation in programs and productive activities by awarding time credits against their sentences. See Pub. L. No. 115-391, 132 Stat. 5194; see also 18 U.S.C. § 3632(d)(4).

1 non-opposition, or otherwise respond to the government's filing. On June 15, 2022, the  
2 undersigned directed petitioner to file an opposition within thirty days. (ECF No. 9.)

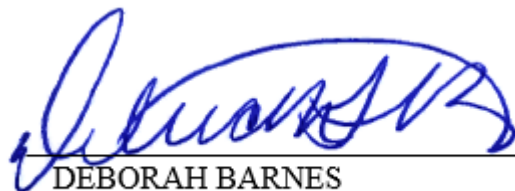
3 Those thirty days have passed, and petitioner has not filed an opposition, statement of  
4 non-opposition, or updated his address.<sup>2</sup> Service on petitioner at his address of record is fully  
5 effective pursuant to Local Rule 182(f). Accordingly, the undersigned will recommend that this  
6 action be dismissed for failure to comply with court orders and failure to prosecute. See Local  
7 Rule 110; Fed. R. Civ. P. 41(b).

8 For the reasons set forth above, IT IS HEREBY RECOMMENDED that:

- 9 1. The government's motion to dismiss (ECF No. 8) be denied as moot;  
10 2. The Petition (ECF No. 1) be dismissed without prejudice.

11 These findings and recommendations are submitted to the United States District Judge  
12 assigned to the case, pursuant to the provisions of 28 U.S.C. § 636(b)(1). Within twenty days  
13 after being served with these findings and recommendations, petitioner may file written  
14 objections with the court and serve a copy on all parties. Such a document should be captioned  
15 "Objections to Magistrate Judge's Findings and Recommendations." Petitioner is advised that  
16 failure to file objections within the specified time may waive the right to appeal the District  
17 Court's order. Martinez v. Ylst, 951 F.2d 1153 (9th Cir. 1991).

18 Dated: December 3, 2022

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21   
22 DEBORAH BARNES  
23 UNITED STATES MAGISTRATE JUDGE

24 DB:12  
25 DB/DB Prisoner Inbox/Habeas/R/sant1768.100.2241.fr.nooppo

26 <sup>2</sup> Review of the Federal Bureau of Prisons inmate locator website found at:  
27 <https://www.bop.gov/inmateloc/> indicates that petitioner was released from custody on September  
28 14, 2022. This court may take judicial notice of such information. See Louis v. McCormick & Schmick Restaurant Corp., 460 F. Supp. 2d 1153, 1155 fn.4 (C.D. Cal. 2006) (court may take judicial notice of state agency records).